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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

CAMERON HANSEN,

Defendant and Appellant.

B283928

(Los Angeles County
Super. Ct. No. GA095834)

APPEAL from a judgment of the Superior Court of Los Angeles County. Suzette Clover, Judge. Affirmed.

Steven A. Brody, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Michael C. Keller and Eric J. Kohm, Deputy Attorneys General, for Plaintiff and Respondent.

Cameron Hansen, convicted of two counts of attempted voluntary manslaughter (Pen. Code,¹ § 664, 192, subd. (a)) and one count of corporal injury on a former girlfriend (§ 273.5, subd. (a)), appeals his attempted voluntary manslaughter convictions on the ground that the trial court refused to instruct the jury on self-defense. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

After dating for over two years, Hansen and Ashlee J. ended their relationship. The following night, Hansen came to the house Ashlee shared with her mother, Laura Welch, and her mother's partner, Suzanne Cling. Hansen struck Ashlee and stabbed Cling and Welch. He was charged with two counts of attempted murder and one count of corporal injury on a former girlfriend. Each victim testified at trial.

I. Ashlee J.'s Testimony

Ashlee testified that on the night of the incident Hansen came to her bedroom window. Hansen seemed "slightly manic; sort of confused." He repeated himself, saying that he did not know where he parked his car, that he thought he hit someone, and that he needed help. Ashlee could smell alcohol on his breath.

Ashlee was upset that Hansen had come to the house after they had agreed not to contact each other for three months, but she let Hansen in, and they went to her bedroom. Ashlee tried to calm him down as he repeated that he needed help to find his car. Ashlee left the room, ostensibly to get water to help him sober up;

¹ Unless otherwise indicated, all further statutory references are to the Penal Code.

she went to the bedroom where Welch and Cling were about to go to sleep and told them that Hansen was there and was drunk. They told Ashlee to get Hansen to leave.

Ashlee returned to her bedroom and retrieved her phone, which she had hidden from Hansen because he had looked through it in the past. Ashlee and Hansen talked. She lightly slapped both of his cheeks with her hands and said, "There. Are you sober now?" Hansen grabbed Ashlee's arms and got red in the face. He let go when Ashlee told him to do so, but then reached for Ashlee's phone.

Ashlee pulled back from Hansen. Hansen hit the top of her head with his hand, causing her to fall to her knees. He pulled her hair and bit the back of her head. Ashlee screamed for her mother. Hansen grabbed Ashlee's phone and then barricaded the bedroom door with his body.

According to Ashlee's trial testimony, Welch "pushed her way into the room," and Hansen "tumbled forward." In a police interview, Ashlee had described her mother coming through the door "like Superman" and tackling Hansen. She did not recall at trial whether Hansen "rolled over" to the bed when the door opened, but previously she had told the police that he rolled over to the bed and then stood when Welch entered the room. Ashlee testified that the next thing she could recall was that Welch and Hansen were grabbing at each other's hands and almost tumbling; she described it as "look[ing] like wrestling."

On cross-examination, Ashlee stated that her mother attacked Hansen first. On redirect examination, Ashlee testified that while she was in the hospital after the attack, she told the police that Hansen attacked Welch first. She testified that she was truthful when speaking with the police and that her memory

was better at the time of the incident. On further cross-examination, Ashlee testified that on the night of the incident, she first told the police that she did not recall what happened when Welch entered the room, but then she agreed when the officer asked, “Oh, your mom attacked [Hansen]?” Ashlee acknowledged on cross-examination that at a subsequent police interview she stated that Welch attacked Hansen first; her full statement was that Hansen was “starting to make a launch” toward Welch but Welch attacked first, pushing him onto the bed. Ashlee testified that Hansen was “launching” toward Welch but that Welch reached him first.

At trial Ashlee first denied participating in the wrestling, but at the preliminary hearing she had testified that “we” started to wrestle, and she acknowledged on cross-examination that she could have been part of the struggle.

Hansen and Welch fought on Ashlee’s bed. Ashlee testified that during the fight, Cling entered the room and told the two of them to stop, but her recollection was refreshed by reference to her statement in a police interview that Cling screamed at Welch to stop.

Hansen, who was holding Welch, bit her on the nose. Welch grabbed the drawstrings on Hansen’s hooded sweatshirt and pulled.² Hansen let go of Welch’s nose, and she pulled away.

² On cross-examination, defense counsel repeatedly used the phrase “choke out” to describe Welch’s action with the drawstrings. At first Ashlee accepted this characterization in discussing the sequence of events, but she then testified that she only saw her mother cross the drawstrings and pull; she could not be sure of Welch’s intent. On redirect, Ashlee testified she had no memory of ever using the phrase “choked out” prior to cross-

Welch stood and handed Ashlee's phone to Hansen. Welch told Hansen that she was going to call the police and that he should leave, and then she left the room.

Ashlee could not recall how she ended up in the hallway outside her room, but, after Welch left, Hansen remained in her bedroom, looking through her phone. Cling was trying to calm Hansen. Hansen kept telling Cling that he was "a good man." Cling agreed and said he just needed to give Ashlee her phone.

Ashlee told Hansen that she had gone on a date with another man³ because she believed he would figure it out as he looked through her phone. Cling stood in the doorway between Hansen and Ashlee, trying to separate them. Reaching over Cling, Hansen hit Ashlee on the back of her head, harder than before; she fell to her knees and momentarily "blacked out."

Ashlee's next memory was waking up disoriented and frightened. She crawled or walked down the hallway to the laundry room. She thought she was going to start hyperventilating, and she felt, then saw, blood running from the top of her head down to her neck. After "a little mini meltdown," she got up and returned to her bedroom. There she saw Cling covered with blood, bleeding badly, and holding her head. At Cling's request Ashlee brought a towel to Cling, and then she heard Welch screaming from the front yard, "Someone help me. He's going to kill me."

examination.

³ Ashlee testified that she had gone on a date with this man prior to the breakup, and that she had called the man by a woman's name to conceal the date from Hansen.

Ashlee ran to the front yard and saw Hansen on top of Welch, straddling her. Ashlee testified that her mother was not moving. She was impeached with her preliminary hearing testimony that Hansen and Welch were struggling. He was striking Welch in the head. Ashlee ran to Hansen and began hitting him in the back of his head, trying to get his attention and to get him off Welch. When Hansen turned toward her, Ashlee saw he had a knife in his hand. She recognized the knife from a previous incident in which Hansen had threatened her with it. She testified on direct examination that she believed Hansen held the knife in his right hand, and she was impeached on cross-examination with her prior statement in a police interview that Hansen held the knife in his left hand. On redirect examination, Ashlee testified that during that interview, she first said that the knife was in his left hand but later said it was in his right hand.

Ashlee pulled Hansen off Welch, got on top of him, and tried to hold him down. Hansen said, "You did this to me, Ashlee. You did this. Why did you make me do this?" She told him to drop the knife and she would let him go. Ashlee started to scream for help, and Hansen waved the knife at her face and arm. While they struggled, Hansen bit Ashlee's elbow.

Two men responded to Ashlee's screams. They told Hansen to drop the knife, but he did not do so. Hansen ran away when he heard a police siren. Cling and Ashlee rolled Welch from her back to her stomach, and Ashlee tried to stop Welch's bleeding by applying pressure to the wounds on her back.

Ashlee suffered a head wound, a bite mark on her elbow, and marks on her arms. The paramedics bandaged her head and took her to the hospital, where three staples were used to close the head wound.

II. Laura Welch's Testimony

Welch was in her bedroom on the night of the incident when Ashlee informed her that a drunk Hansen was at the house. Welch told Ashlee to have Hansen leave. Shortly thereafter she heard a noise. Cling thought Ashlee and Hansen were laughing, but Welch disagreed. Welch got up and walked toward Ashlee's bedroom; while she was on her way, she heard Ashlee screaming for her in distress. Welch found that, although the door did not have a functioning lock, it would not open. Feeling panicked, she began to push against it. Welch, who had been in the military 20 years before and estimated herself to be stronger than most women but not stronger than a man, pushed her feet against the wall and used her full body strength to force the door open. As she forced open the door to Ashlee's bedroom, Welch felt a lot of resistance.

Welch saw Ashlee crouching by the bed and Hansen pushing back against the door while fighting with her over the phone. Welch pushed herself between the two of them, but she did not grab or wrestle with Hansen. Ashley and Hansen stood up and continued fighting: Hansen was trying to take Ashlee's phone.

Welch was unsure what happened next, but Ashlee ended up face down on the bed, with Hansen on top of her and across her body, and Welch was on top of him. Hansen and Ashlee continued to struggle over the phone. Hansen bit Welch's nose. The bite was not hard. Welch took hold of Hansen's hooded sweatshirt and began rolling it up toward his head, because a person opens his or her mouth when he or she feels unable to breathe. "As soon as he thought he was getting choked, he

opened his mouth, and I stood up,” Welch testified. Welch denied actually trying to choke Hansen.

Welch was angry when she realized that the two were struggling over a phone. She said, “I do not want to be getting my ass kicked for a phone,” and she took the phone from Ashlee and gave it to Hansen. Welch walked down the hall to call 911.

In Welch’s 911 call, she reported that Hansen was drunk, would not leave the house, and had bitten her nose. “Do you need the paramedics?” the dispatcher asked.

“I don’t need the paramedics,” responded Welch. “I need the cops to come here. I wanna [inaudible] this guy out of my house.”

The dispatcher asked if Hansen had any weapons, and Welch said no, other than his teeth.

According to Welch, when she left her bedroom after making the 911 call, she saw Hansen and Cling. Hansen was in the hallway at the door to Ashlee’s bedroom, and Cling was almost in the bedroom. Welch saw Hansen strike Cling twice on the head. Welch screamed at Hansen to “stop fucking with the women in this house” as she ran down the hallway. Just inside Ashlee’s bedroom, Hansen was hitting Cling on the back of the head as she tried to step away. Welch grabbed Hansen by the back of his sweatshirt, pulled him to the front door, kicked open the screen door, and “tossed him into the front yard.”

Hansen began to run back toward the house. Welch grabbed a bird feeder stand to protect herself and to keep Hansen away from her family. She jumped into the yard, thinking she could defuse the situation. She made a joke about the glass that had broken when she picked up the bird feeder stand.

Hansen ran toward Welch. She realized that the stand was not useful because it was heavy on the bottom, so she tossed it aside. Hansen lunged at Welch and tackled her as she tried to turn away; she fell to the ground on her left side, with Hansen on top of her. Hansen began to strike her with his fist. Welch put her arms up to cover her head and face, and she curled into a ball. Hansen hit her hard across the arms approximately five times. Welch testified that when Hansen hit her, "They were really hard punches, but there was like an extra part to them."

Welch continued to try to protect herself from the blows, and she asked Hansen why he was doing this. Hansen said he had nothing to lose. He struck Welch's side and stabbed her neck. She screamed for help as loudly as she could. Welch lost consciousness.

When Welch regained consciousness, she had difficulty breathing; when she inhaled, it felt like there were bubbles in her lung. She lost consciousness again, and when she came to again, she saw Hansen's knife on the ground next to her. Welch had been stabbed approximately 23 times and was hospitalized for four days.

Welch spoke with police three times prior to trial. One interview took place shortly after the incident at the hospital. Welch said she thought Hansen was hitting her. She said Hansen and Ashlee had broken up, Hansen would not leave, and he would not give her the phone, but she did not know what happened next. She remembered they were yelling and fighting but could not remember more. Welch said, "I remember him hitting me but I didn't know he had a knife." She did not remember whether Hansen said anything. Welch recalled that she came to help Ashlee and that Hansen bit her nose before she

called 911, but she could not describe what happened next. At trial, Welch testified that she did not remember making these statements and that she was awakening from anesthesia at the time.

On cross-examination, Welch acknowledged that she had told the police that when she first tried to enter Ashlee's bedroom, the door was locked. She testified that Hansen's hands were near Ashlee when Welch ended up on top of him, and she did not recall telling the police that Hansen's "hands were full." After her recollection was refreshed, Welch agreed she had told the police that Hansen's "hands were full. He was trying to deal with Ashlee and her phone, and I was like coming at him." She testified that she meant that Hansen was using his hands struggling with Ashlee when Welch approached him. Welch's testimony that Hansen bit her was impeached with her testimony from the preliminary hearing: "It was actually—he just held me with his mouth and barely bit it—he actually did not bite it." Welch acknowledged telling the police that she started twisting Hansen's shirt so he would let go of her nose, and that he did let go "because he couldn't breathe. I think I was choking him."

Also on cross-examination, Welch testified that the portion of the bird feeder stand that she picked up was a piece of copper piping that was five to six feet long with a pointed end. She testified that she had told the police that she picked up the piping because she thought Hansen might pick it up himself. Welch testified that it was not accurate that she picked the piping up "in advance of [Hansen] even getting up off the ground," Defense counsel asked Welch why she had said that to the police, and she responded that it was incorrect because Hansen never fell to the ground. Defense counsel attempted to refresh her recollection

with the transcript of Welch's police interview, and Welch testified that her use of the phrase "getting up" meant Hansen "in a crouched, running position and standing up." She agreed with defense counsel that her actual words were that she picked up the copper piping in anticipation of Hansen grabbing it at the time he was getting up.

III. Suzanne Cling's Testimony

Cling testified that she was home in bed when Ashlee came into the bedroom and said Hansen was at the house and not being nice. Cling told Ashlee to instruct Hansen to leave. When Welch heard a noise, Cling thought that Ashlee and Hansen were playing around, but Welch said, "Something is wrong with Ashlee."

Welch, followed by Cling, went to Ashlee's bedroom. She could hear Ashlee's voice inside. Cling saw Welch have difficulty opening the bedroom door because of resistance. When Welch opened the door, Cling followed her into the bedroom; she saw Hansen on his knees, positioned so his feet were against the door. Ashlee was on her trundle bed, and Hansen was over her, pinning her to the bed with his hands.

Cling could not recall whether Welch pulled Hansen by the clothing or by his body, but she pulled him off Ashlee and he stood up. Welch and Hansen faced each other. Cling was focusing on Ashlee and was not aware of what happened between Welch and Hansen, but then she heard Welch say, "He bit my nose." Welch announced that she was going to call 911 and left the room.

Hansen paced the floor, scrolling through Ashlee's phone. He repeatedly told Cling he was a good man. Cling, trying to calm him down in the hope that he would leave, reassured him

that he was a good man. Cling did not recall telling Hansen to leave; she was hoping to move him out of Ashlee's room, down the hall, and toward the front door.

Cling stood in the bedroom doorway, Ashlee in the hall next to the doorway. Hansen was in the bedroom, near the door and behind Cling. Sounding pressured, Hansen asked Ashlee if she had dated someone else. Ashlee responded affirmatively. Cling then heard Ashlee say, "Ouch." Cling did not recall exactly what happened next, but she believed she stepped back into Ashlee's bedroom. She felt a "thud" on the back of her head, and then noticed that there was blood everywhere and her hand was injured. She felt a piercing or pricking feeling in the area between her neck and her shoulder. Cling found "extra holes" in her body: one on each shoulder, one on her head, one on her hand, and a slice on her hand.

Dazed, Cling saw Welch run down the hall; Welch said, "Nobody messes with the women in this family." Welch somehow took Hansen off her. Cling felt faint and moved to the floor. Ashlee said, "Suzi, I've been hurt." Cling asked her to get towels to put pressure on her head.

Cling walked down the hall to call 911, and then she walked to the front of the house, where she saw Ashlee on the ground next to Welch, saying, "Don't die, Mommy. Please don't die." Cling did not see Hansen. Cling hurried to Welch, who said she could not breathe. Cling told her to turn onto her side, and said, "We'll patch up the hole." There was blood on Welch's face, on her hand, and on her side. Welch was groaning.

The paramedics treated Cling and took her to the hospital, where she remained for several days. She required two surgeries to repair her hand.

On cross-examination, Cling testified that she did not recall seeing Welch and Hansen scuffle. Defense counsel impeached her with her preliminary hearing testimony that she had seen Welch and Hansen wrestle. She testified that Welch did not chase Hansen to the front door, and defense counsel then read a portion of a police interview in which she had said she knew that Welch chased Hansen outside. Cling testified that she did not recall making that statement. She told the officer what she believed to have happened, but she did not agree that her memory was better at the time of the interview than at trial because she had been in great pain when she was interviewed.

Also on cross-examination, Cling testified that she felt a searing pain in the right shoulder while she was in the doorway between Ashlee and Hansen. She testified that this was the first injury she received during the incident. She moved back into Ashlee's bedroom after Hansen stabbed her in the shoulder. Then she felt the thud on her head, reached up to feel her head, and felt her hand being stabbed and slashed. Defense counsel played a portion of Cling's interview with the police in which she said that she did not feel anything happen to her hand despite the fact that it suffered the most trauma.

Cling spoke with Hansen's father on the day of the preliminary hearing. She said she felt sorry for what had happened. She did not recall saying that she had not been afraid of Hansen. Cling denied telling Hansen's father that Welch was out of control and very aggressive with Hansen that evening. She denied saying that if she and Welch had just stayed in their bedroom the night of the incident, the violence would not have occurred. She had "absolutely no recall" of saying that Welch was

the aggressor but that she (Cling) had to support the side of the people she lived with.

IV. Additional Evidence

The police found drops of blood in front of the house, on the driveway, on the porch, on a pillar in front of the porch, on the front door, and on the interior of the front screen door. Inside, the police found blood in the bedroom hallway. Blood was spattered and smeared on the doorway to Ashlee's bedroom. It was on the door of Ashlee's bedroom, on the floor, and on her pillow. There was also blood in Cling and Welch's bedroom.

Armond Havan heard a woman crying, "Help, help us, I can't breathe." He and a neighbor went to Ashlee's home and saw four people: two women on the lawn, one on her back and one in a seated position; and a younger woman and Hansen standing near each other.

Someone said, "We've been stabbed."

The younger woman and Hansen were arguing, and the woman said, "Why did you do it?"

Hansen answered, "I don't know why I did it."

Havan had not seen a weapon, but because he knew someone had been stabbed, he said, "Anyone has a weapon, drop it now." Hansen fled when the police arrived, and the police chased him.

Havan tended to the women on the grass, both of whom were covered in blood. Welch had "wounds all over her." Havan and Cling tried to cover her wounds with their clothes. Welch was turning white and said she could not breathe. She was in and out of consciousness. Cling had blood in her hair. She was shivering, and she stopped responding to Havan. She was in a daze and stared blankly.

Havan saw a trail of blood along the hallway when he ran into the house for towels. Havan applied pressure to Welch's wounds until the paramedics arrived.

A paramedic who responded to the scene testified that he aided Ashlee, Welch, and Cling. Welch required the most immediate care, as she was losing a lot of blood and the paramedics were unable to obtain a blood pressure reading. She was face down, and her breathing was very shallow. The paramedics rolled Welch to her back to help her breathe and began dressing her injuries. Welch had multiple lacerations indicative of stab wounds. Welch had stab wounds on her back, both shoulders, and head.

Welch was taken to the hospital first. Documentation by the paramedics who arrived next and transported Welch to the hospital indicated that she did not have shortness of breath, she had no trauma to her lower body, her skin condition was normal, and her head was lacerated but her skull was not penetrated. The transporting paramedics indicated on a form that her bilateral lung sounds were good until just before arriving at the hospital, at which time they diminished on the right side. Welch received intravenous saline to raise her blood pressure.

Cling was also very bloody and had been stabbed multiple times. The paramedics tried to measure her blood pressure and vital signs but had difficulty because her blood pressure was low. They feared she might be losing a lot of blood. The paramedics who took Cling to the hospital were able to stop her bleeding with pressure. Cling was also given saline solution intravenously to raise her blood pressure.

Ashlee had been wounded and was bloody, but she was sitting up and verbal. She reported not losing consciousness

during the incident. The paramedics bandaged her head wound and noticed a bite wound on her right elbow.

A police forensic specialist took photographs of the victims' injuries; Hansen's injuries; and Hansen's car and its contents. Police officers testified about the search for and apprehension of Hansen and the recovery of Hansen's knife.

Hansen's father testified that he spoke with Cling at the courthouse on the day of the preliminary hearing. Cling said that on the night of the incident she never feared Hansen. Cling reported that she found Welch on top of Hansen in Ashlee's bedroom, "dominating him"; that Hansen pleaded with Cling to control Welch but that Cling said that "When [Welch] gets out of control like that, she cannot be controlled"; and that Cling tried but failed to control Welch. Cling said she had to "stand by" Welch and Ashlee because she was 67 years old, had been with Welch for 20 years, and had known Welch's children since they were young. Hansen's father testified that he told Hansen's attorney about this conversation, but he did not inform the police.

The jury convicted Hansen of the attempted voluntary manslaughter of Welch and Cling, and of corporal injury on a former girlfriend. He was sentenced to 12 years 6 months in prison. Hansen appeals.

DISCUSSION

Hansen argues that the trial court committed reversible error with respect to the two-attempted murder counts when it declined to instruct the jury on self-defense with CALCRIM No. 505. The trial court must instruct on general principles of law relevant to the issues raised by the evidence and necessary for the jury's understanding of the case. (*People v. Brooks* (2017) 3 Cal.5th 1, 73.) This "duty to instruct extends to defenses 'if it

appears . . . the defendant is relying on such a defense, or if there is substantial evidence supportive of such a defense and the defense is not inconsistent with the defendant's theory of the case.' [Citation.]" (*Ibid.*) On appeal of the denial of a jury instruction, we review the record de novo to determine whether it contains substantial evidence to warrant the rejected instruction. (*People v. Manriquez* (2005) 37 Cal.4th 547, 581.)

Homicide and attempted homicide are justified when they are committed in lawful self-defense. (*People v. Elmore* (2014) 59 Cal.4th 121, 133-134; §§ 197, 198.) To find that a defendant acted in lawful self-defense, the defendant must reasonably believe that he or she is in imminent danger of being killed or suffering great bodily injury; he or she must reasonably believe that the immediate use of deadly force was necessary to defend against that danger; and he or she must use no more force than was reasonably necessary to defend against that danger. (CALCRIM No. 505.) If the defendant used more force than was reasonable, the killing or attempted killing was not justified. (CALCRIM No. 505.)

There was no substantial evidence to support self-defense instructions on the attempted murder charges. The evidence did not support a finding that Hansen was in imminent danger of being killed or suffering great bodily injury when he stabbed Welch and Cling; that it was necessary to use a knife to stab them multiple times to defend against any danger they presented; or that he used only that force that was reasonably necessary to defend himself. While there was evidence from which a jury could have concluded that Welch was the aggressor in the bedroom confrontation and that she choked him during

that fight, the evidence demonstrated that this initial altercation had ended, and Welch had left the room, prior to the stabbings.

With respect to Cling, there was no evidence to support the conclusion that Hansen was threatened with imminent bodily harm and needed to defend himself at the time he stabbed her. Welch was no longer present, and there was no evidence that Cling had threatened Hansen or posed any danger to him when he stabbed her from behind, much less any evidence that could support a finding that he stabbed her in an actual and reasonable belief that he was in imminent danger of death or great bodily injury.⁴ Moreover, there was no substantial evidence from which a jury could conclude that Hansen used only that amount of force necessary to defend himself when he repeatedly stabbed the unarmed Cling.

There was evidence that when Welch returned after making the 911 call, she forcibly removed Hansen from her home and picked up a piece of copper piping in the front yard. To the extent that this evidence could permit a jury to conclude that Hansen stabbed her in the reasonable belief that the immediate use of deadly force was necessary to defend against an imminent danger of great bodily injury, there was no substantial evidence that would support the conclusion that he used only the force that was necessary to defend against the threat Welch posed: he

⁴ Hansen contends that Cling's testimony was "significantly undermined" by Hansen's father's testimony about the statements she made on the day of the preliminary hearing, but, even if Cling's credibility were undermined, he does not identify any affirmative evidence, nor have we located any in our review of the record, that could possibly support the conclusion that Hansen acted in self-defense when he stabbed her.

stabbed her 23 times and left her with potentially life-threatening injuries.

The trial court properly declined to instruct the jury with CALCRIM No. 505.

DISPOSITION

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.